

Remarks

Applicants acknowledge the amendment document filed on 16 June 2008 was considered non-compliant because it has failed to meet the requirement of 37 CFR 1.121 or 1.4. In response, applicants have corrected the status identifiers as requested for claims 8 and 16-20. Entry of the foregoing amendments is respectfully requested.

Currently Claims 1-8, 12 and 14-20 are pending. Claim 1 is amended herein. A substitute abstract is provided. No new matter is added.

Applicants acknowledge with appreciation the Examiner's reconsideration and agreement in Applicants' proposed restriction of the claims. Applicants hereby confirm the election of Applicants proposed Group II, claims 1-7, 12, 14 and 15, wherein the compounds of formula (I) are defined where R₁ is a 4, 5, or 6-membered heterocycle. Claim 1 has been amended to remove recitation of R₁ is a 5 or 6-membered heteroaryl.

Claims 1-7, 12, 14 and 15 currently stand rejected, the Office Action stating that the claims are not sufficiently enabled for a solvate of a compound of formula (I). While Applicants do not agree with this rejection, claim 1 is amended herein to remove the term "solvate." The outstanding rejection is moot in view of this amendment.

In view of the allowability of claim 1, Applicants respectfully request rejoinder of the claims of Applicants Groups III, V, VII and IX, namely claims 8 and 16-20. The claims are drawn to processes and methods of using the compounds of claim 1 and accordingly, unity of invention is satisfied under PCT Rule 13.1, Annex B (e)(i).

All outstanding rejections and objections of the claims having been addressed in full, it is respectfully submitted that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8222, to discuss this case further, if desired.

Respectfully submitted,



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